

DAILY PROCEEDINGS IN FAMOUS DEPORTATION TRIALS IN COCHISE COUNTY SUPERIOR COURT

MONDAY

WHEELER TELLS OF DEPORTATION ON THE WITNESS STAND

The afternoon session of court in the Wootton case was taken up mostly by the testimony of Capt. Harry Wheeler, sheriff of the county during the deportation, following the completion of reading of depositions and offering of documents, on which the court reserved rulings until a later date. The questioning of former Sheriff Wheeler continued until a short time before five o'clock, when the witness was turned over to the state for cross-examination and following a brief conference the court recessed until 10 o'clock tomorrow morning.

The gist of the testimony of Mr. Wheeler, was substantially as follows, and was interspersed with objections from the state, and rulings of the court:

Told of official capacities in Cochise county since 1901, having served six years as ranger, one year as deputy U. S. marshal, over a year in the customs service and six years as sheriff of Cochise county, first knew of disturbance in Bisbee on June 26, 1917 when he received a telegram from A. S. Embree that strike was to be called and asked how he would stand; received almost similar message from Captain John Greenway; went to Bisbee and issued statement through the press as to stand he would take, was met by number of citizens and was offered offices in the C. Q. dispensary building in center of district where he could observe matters; started investigations, went among people; first day or two found everybody in state of subdued excitement; after first few days reports began to come in from various parts of district of men complaining of lunch pails being taken away from them while enroute to work; telephone message of women threatening to dynamite houses if husbands did not cease work; did not remember names but could go to houses; saw strikers, mostly of foreign extraction and asked why they were making trouble and stopping copper production and they invariably replied that "now is the time the government is in trouble and now is the time to make trouble and compel the government to take over the mines"; that their brothers in the north in the lumber camps and those in the south in the wheat and cotton fields do their parts; that he desired to smooth over trouble and tried to bring about peace in the district without avail; had attended strike meetings and heard speakers talk and say that when "they got \$6 and an 8 hour day they would then go and \$3 and a 6 hour day and then \$10 and a 4 hour day and there would be no agreements; that a red button was better than a Liberty Bond" and "to hell with the draft"; one of main counsels for I. W. W., Wm. Cleary told him that if he had a boy old enough to go to war he would ship him out of the country first; Mexicans in columns of 2 had marched to I. W. W. headquarters for provisions, mostly all strangers to him; he knew that the Mexicans had run Americans out of Cananea and had heard a Mexican yell over the shoulder of a man with a lunch pail: "We ran you out of Cananea and we will run you out of here"; remembered the man's name as Dorame.

Here County Attorney French was reprimanded by the court for his attitude when the county attorney entered into an argument with the court over rulings on objections and for a time the court entered objections on the part of the state when the trial proceeded.

Wheeler continued by saying that he heard another thing which he could not say on account of the presence of ladies and when the ladies were retired from the court room recited an epithet he had heard hurled at the U. S. Government by a man who said they would do the same to the United States; had arrested him and sent to the federal court for hearing; had heard of threats to injure women in Warren laundry if they did not cease work and had placed guards there; had then appeal-

ed to Governor of the state for help but got no reply.

Here the state objected to the alleged telegram and it was sustained but before the session closed the state withdrew their objection and the telegram was read.

Mr. Wheeler continued by saying that when he asked for aid from state and Federal governments and had received no reply he felt he could not cope with the situation; that the feeling was growing more intense on both sides and that the men who worked went to work in bodies and he afterward learned that the Loyalty League had been formed for their protection; that night he had been invited to a conference of the I. W. W. committee, the mayor and city marshal and that Embree, one of the committee had said he could not control his men and he had replied to Embree that if he could not control them, he (Wheeler) would.

He had also heard, he stated that among the Mexicans were many ex-Villa soldiers and they had arms and ammunition cached away in the Ajo mountains which they intended to use in Bisbee, and he felt as sheriff that "he would have to strike first or the law abiding citizens would be stricken." That night he received word from the I. W. W. committee saying: "If you or any of your deputies come around our headquarters you will receive a hot reception," and that night he gave orders to the captains of the citizens he had organized into a posse to meet and had chosen Basset Watkins and Miles Merrill to act in his absence, while he went after Captain Greenway to attend; at that meeting he gave orders to carry out the program that he felt capable of carrying out and wrote the proclamation for women and children to keep off the streets, which was published the morning of July 12th in the Bisbee Review and it was read to the jury.

Mr. Wheeler reiterated that he believed that many strange men were in the district, who had told him that "now was the time to get what we want," and that many more were arriving daily while the law-abiding men were leaving. He had also had a conversation with a strikeleader named "Blackie" who told him they had 2000 men in the district and more coming, he said. He knew by reports from his deputies that arms and ammunition were stored in the camp and that the Mexicans intended to get their arms and ammunition in the Ajo mountains; also had heard of a woman overhearing a plot in a hotel and he told of these things to the posse which gathered in the night of the 11th.

The witness said he believed the jails of the county would only hold about 150 men and knew the habit of the I. W. W. of wanting to be arrested, making it impossible to take care of them; that he considered it an impossibility to arrest and hold 1,000 men in jail; that the loyal men were leaving and they were getting stronger and he wanted to get them to troops at Columbus, N. M., and after he had appealed to both state and federal governments and had only a temporary place at the Ball Park in Warren he had sent the men to Columbus, N. M., as he wanted to get the men out of Bisbee to stop killing or bloodshed and had no other means in his power to cope with the situation. He also stated he knew Fred Brown by reputation and had not seen him do anything but had heard of him. The state intercepted objections here which were sustained and the defense turned the witness over to the state.

Reading of depositions and introduction of a letter written by A. E. Embree to Wm. D. Haywood, secretary-treasurer of the I. W. W., while Embree was confined to the camp at Columbus, N. M., shortly after the deportation of July 12, occupying the morning session.

The defense began this, morning at the introduction by Mr. Curley of the letter written by Embree, which was a statement of Embree as a member of the executive committee of the deported men at Columbus, N. M., and was an interesting document, inasmuch as it tended to show the connection of the Bisbee strike with

similar movements by the I. W. W. at Butte and other places.

After telling how the men were sticking together at the camp, and relating what position the executive had been placed in by forced inactivity, Embree in the three-page typewritten letter said:

"We are sticking here in as solid a bunch as I have ever known in the history of the labor movement," Embree says in opening his letter. "Out of 1145 men who were given their liberty to go where they pleased on July 21st, not more than fifteen have drifted away, including five who have been sent on various missions by the executive committee. Even if we have to stay here two weeks longer, as long as the federal government is willing to feed us, I don't think we would lose more than another fifty or seventy-five."

"Nevertheless, there are other factors which are militating heavily against us. Time itself is one of the greatest. Remaining inactive is a fearful hard task for even the best among us. It tends to cause criticism of their executive committee and of those in charge at Salt Lake City and Chicago, and it also gives the week-kneep among us added encouragement for the belief that some of them already entertain the belief that the strike is lost and that it has resolved itself into an affair where each one of us will have to shift for himself and make the best of it."

Embree follows with a statement that everything depends upon the strike at Globe, and expresses the fear that if what he calls "Moyer's union," affiliated with the American Federation of Labor, makes itself solid there it will kill any chance that the I. W. W. may have of winning the strike at Bisbee. He then tells of the difficulty of getting money, especially to assist those at Columbus in returning to Bisbee in a solid body—a plan which Embree declares, would enlist sympathy for the I. W. W. in all parts of the country and might force the federal government, by the weight of public opinion, to furnish transportation and sustenance after the march had started. He continued:

"This is why we have been pestering you for money during the last two days. We must have funds here at the Columbus State bank to make this attempt. Not only will it be the means of winning the Bisbee strike, but it is almost certain to put new life in every man on strike all through the industry and show the bosses that such an indomitable spirit is not to be overcome."

"Our men here are absolutely to be depended upon for such an undertaking. They would welcome it provided they can be shown they are not to be sent out on the desert as a waston, useless sacrifice. If you can do your part in providing the funds, we will guarantee results at this end."

"We are greatly disappointed in Perry at the Salt Lake office and whoever is acting there with him. Taking up first the matter of the six-hour day, Bisbee went on strike because the membership there forced us to go out in sympathy with Butte, more than for any idea of winning better conditions for ourselves. And we know that to make demands which were not practically the same as those presented at Butte would be likely to injure the boys there and prove a boomerang to ourselves."

"A demand for a six-hour day would have been our greatest mistake in Arizona. Such a demand among the raw material we have would require a campaign of education and organization extending over a couple of years. The whole strike would have ended in a complete fiasco long ago if that demand had been incorporated. It is too new and untried (I know that is a bourgeois expression) but I want to convey that it is not deep-rooted in our minds even among rebels who have been in the movement for years."

"This is a solidarity strike and we must concentrate on that phase of it. The demands made are wholly secondary. Whether they are won in whole or in part is of minor importance. The fact that we stand to-

gether man to man, one camp solid with the other, teaching the entire country the practical lesson of industrial solidarity is the whole aim and object of this strike, and any demand which would tend to weaken the common sentiment one toward the other would be a severe blow to the entire movement."

Embree then criticized the manner in which the strikes in Michigan at Mesaba, Iron Range and in Utah were being conducted and that the Columbus camp was resenting the penny pinching tactics of the men in charge of the Salt Lake office.

Depositions showing the reason of the Butte strike, were objected to by Mr. French and temporarily excluded by the court as not proper evidence at this stage of the case, while a letter written by a man named Sullivan to someone else was also excluded as not having bearing on the Warren District. Another document written by a man named Gorman was also excluded on the grounds of objection by the state that it would throw no light on conditions of the Bisbee strike, but showed conditions at Columbus, instead.

On objections of Mr. French to a letter written by J. McDonald to Grover Perry at Salt Lake City, the court reversed ruling when a point of law was raised, which he will settle in connection with several more similar objections. A letter signed "Press Committee" was held for similar ruling. Reading of depositions taken from the U. S. Marshal and District Attorney of Salt Lake to show the genuineness of I. W. W. matter seized in the Salt Lake raids, which are to be introduced, completed the morning session and will be resumed at 2 o'clock.

TUESDAY

WHEELER TELLS OF CONDITIONS IN DISTRICT

A grilling cross-examination of Harry C. Wheeler, sheriff during the deportations from Bisbee, by County Attorney R. N. French completed the morning session and the witness was still on the stand when noon recess was taken.

The session began by Mr. French questioning Mr. Wheeler, beginning from Mr. Wheeler's first intimation of the strike and in answer to the questions of the state's attorney the witness outlined his actions from that time until the deportations, as he did on direct examination yesterday afternoon.

The state began by asking why he had gone to Bisbee and the witness replied he had gone in answer to a telegram from A. S. Embree, strike leader and Capt. J. C. Greenway, mine operator. Before he left Tombstone, he said, he wrote out his reply and mailed it to the Bisbee Review so that it be clear to the public just how he would stand during the strike. He considered this an answer to both Greenway and Embree, he stated. Arriving in Bisbee he was met by a committee of citizens who tendered him offices in the Copper Queen dispensary building. Questioned as to who these citizens were he said he did not remember the names, but he knew some of them and that there were at least 10 or 12. Asked who was the leader of the crowd Mr. Wheeler said he couldn't say, and as to whether it was either Basset Watkins or Miles Merrill, he said he did not think so. Questioned what he considered a state of subdued excitement which he found the district in, Mr. Wheeler said he considered it a sort of apprehension.

After that he said, he heard of disturbances, and as to whether the men making the disturbances remained long enough for him to arrive and arrest them, he stated they did not consider it policy to wait long enough for an officer to get there. He did not remember any names where disturbances were committed, but visited eight or ten houses, where he was called by housewives in answer to telephone advices of intimidation and threatened dynamiting if husbands did not cease work during the strike.

Getting down to the question of the Loyalty League, when asked by the county attorney, who composed the league, he replied that the loyal

workmen in the mines composed the organization, embracing all the Americans in the district. Asked who composed the Citizen's Protective League he said he didn't know, but he had reorganized the League. Miles Merrill, he said was head of the Loyalty League and Basset Watkins of the Protective League, which had been formed when trouble with Mexico was imminent. He had attended several meetings of the Loyalty League and at one time swore in 500 or 600 deputies, he said. Three meetings were held, he said, one when he swore in the deputies, another in between and the third on the night of July 11th, when final action was taken for the deportation. On rigid cross-questioning as to whether or not Gerald Sherman general superintendent of the Copper Queen mines, had not made the suggestion for deportation, and gave orders for furnishing guns and ammunition to the deputies, Mr. Wheeler replied that he did not remember of any such action, but did not think so because he himself had given the orders. He reiterated his answer on several occasions, when the same questions was asked him with reference to Capt. J. C. Greenway, Basset Watkins, Dr. Bledsoe, M. J. Cunningham and others, when the County Attorney charged him with such facts. He replied that they were false statements.

Wheeler stated that only 700 or 800 of his deputies were armed and that many had pickhandles, but did not know where they had gotten them. That was just detail, he said. About 60 to 70 captains of squads of deputies were present at the July 11 meeting, he said to receive final orders as to their actions, and when questioned with regard for the alleged suppression of news over the telephone and telegraph wires, the witness replied that he knew only of the local telephone service, which he had ordered suppressed in order to avoid any trouble. As to the suppression of the telegraph wires, he did not learn that Capt. Stout had done such a thing until the next day.

In reply to the question: "Isn't it a fact that Dowell suggested the deportation," the witness replied: "No, I gave the order and I suggested it."

He also stated he called the meeting and arrived after it had started because he had gone to Warren after Mr. Greenway. Asked whether or not Dowell had said in the meeting that he considered the Warren District "afflicted with a cancerous growth and it should be removed," and that Dr. Bledsoe, chief surgeon for the C. & A. had not said that "those present were the surgeons who should remove it," Mr. Wheeler said he did not remember such statements. As to whether Mike Cunningham had not made a "fiery" speech for the deportation of the men, Mr. Wheeler said he did not remember Cunningham being there but if there were any "fiery" speeches made, he guessed he made it.

Asked if Greenway had not suggested the train idea to get the men to Columbus and that it should be left up to Dowell to attend to, Wheeler said that was not the fact because he, himself had entertained that idea and had given orders for the train to the citizens, meaning those present, having given the orders several hours before the meeting; in fact at the same time that he had called the meeting.

At this point the county attorney said: "I am not trying to deprive you of any laurels, Mr. Wheeler" to which the witness heatedly replied: "Mr. French I want no laurels." The court intercepted with a strong admonishment of both and the trial proceeded.

He replied to a question as to how long he had entertained the idea of the deportation, that he had thought of it several days before July 12. Asked whether or not the idea of the deportation was not put in the form of a motion at the meeting, he said he did not remember such a fact. The telephone and telegraph matter was then brought up and Mr. Wheeler replied that Basset Watkins had not suggested the idea but he had, and Kellogg, the telephone manager

had been called in. Asked as to whether he had not acquiesced to the plan of deportation after he had been called to the meeting Mr. Wheeler replied: "No, my word was supreme. I went into it with that understanding only. I may be getting myself in trouble by telling you this but I am telling it to you."

Asked if he knew Frank Vaughan and if he had not told him everything was so peaceful and quiet that he was afraid, the witness replied he did not remember telling him everything was peaceful and quiet, but he might have said that he was afraid.

Questioned if he knew a man named J. P. Chase who had come to him in the Bull Pen at the Bull Park and asked him if he had done anything to be arrested for and if so why not give him a fair trial and Wheeler had replied that he had "nothing to do with the deportation," the witness said it was absolutely false. Questioned about meeting several other men who were drafted while on the train going to Osborn, and whether or not in trying to tell them goodbye, he had not told them, after they had refused to shake hands with him, that some day they would find he had nothing to do with the deportation, Mr. Wheeler vehemently denied the statement. Asked whether or not he had told Red Gannon, his deputy and Bert Polley, in Lowell several days before the deportation that the companies were planning the deportation and asked them whether or not they would stand by him if he tried to prevent it, the witness denied the statement.

Concerning Fred Brown, the complaining witness in the Wootton case, the county attorney asked Mr. Wheeler whether or not when Brown returned to the Warren District in September he was to be examined for the draft, if he did not arrest Brown and say to him that it was not his fault that he (Brown) was deported, that the Mining companies made a mistake and he would see that Brown would be put back to work, Mr. Wheeler denied this. Also later as to whether upon meeting Brown in Tombstone he had not told him he had made arrangements to get him a job, he also denied.

Speaking of the Mexican who had yelled to a miner: "We run you out of Cananea and we will run you out of here," French asked Wheeler why he did not arrest Dorame, the Mexican and Wheeler replied: "To tell you the truth I was afraid to arrest him. I stood a great many things in those days before I organized my deputies."

He added in answer to the question of deputies that at that time he had none but his regular deputies. Asked why he had not arrested the strike leader known as "Blackie," Wheeler replied that to his mind the man had not said anything to be arrested for. Asked why he did not arrest more men for being disloyal and turn them over to the U. S. deputy marshal Mr. Wheeler replied that because the man he had arrested several days before for making the remark about the U. S. government was again free and walking the streets.

Concerning machine guns, Mr. French asked whether or not there was one concealed in his office in the dispensary building and he replied he had one in his office. In answer to the question whether the government had not made an investigation Wheeler replied that he had told Col. Hornbrook, stationed at Douglas, about the conditions and when he was sent here to investigate, the army officer had told him conditions were most serious. He did not know Hornbrook's report to the government. He had seen Hornbrook in Bisbee on the day of the deportation, but he did not know that Secretary of War Baker had declined to act in request for troops.

Asked why he did not turn the deported men over to the soldiers at Naco or Douglas, he said he felt that they would not accept them, and that it was too close to the Warren District and he feared trouble might result if they drifted back. When asked "Isn't it a fact that you did not turn them over to the army at Columbus," he replied it was his under-

standing that they would be. As to why he did not acquiesce to a trial and he knew it was a felony to kidnap, Wheeler said he also knew there was a law of self-defense and necessity.

He said Col. Hornbrook was with him when about a dozen Finnish women attacked workmen and pulling their shirts from their backs had poked breadcrumbs down the backs of the men.

Testimony of Wheeler at the Embree trial at Tucson was read by the county attorney in an effort to ascertain what he had said at that trial, which lasted for a considerable time, and he said he considered the Embree case only a personal one, while the testimony before the President's Mediation committee was one concerning the whole district. He considered Embree's act of inciting a riot, he said when Embree had said at a meeting of the I. W. W. committee with the mayor and city marshal that he could not control his men. Embree told him he said, about dynamite caches in the district.

With reference to Wheeler's proclamation of July 12, in which he said he believed the strike was not a labor trouble but a plan to embarrass the United States, the witness said in answer to what he had meant: "My government comes first and everything afterward. I would sink the whole Warren district for my government."

Questioned as to whether he thought the disturbance was a strike or not, Wheeler replied that the I. W. W. called it a strike, but he did not think so, the unions there had received orders from Gompers that it was not an authorized strike. Other small unions there may have been out on strike, he said, but he did not know it and they had no connection with the companies.

Evidence from the President's mediation committee was about to be read by Mr. French when noon recess was called.

The afternoon session of the Superior Court in the Wootton trial was a continuation of the cross-examination of Capt. Harry C. Wheeler by the state, which almost was completed before evening recess and will be again taken up when court convenes tomorrow morning at 10 o'clock.

The main feature of the cross-examination was the attempt of the state to show conditions in the district at the time of the strike and the deportation and the questioning was along the line of that followed out this morning.

There was much detail during the examination which was in fact a repetition of the witnesses testimony this morning, with a few exceptions, while only once during the examination was the defendant Wootton's name brought into it with reference to the strike conditions.

WEDNESDAY

DEFENSE WITNESSES TELL OF THREATS

The afternoon session of the Superior Court in the case against H. E. Wootton charged with kidnapping as the result of the Bisbee deportation, was featured by the completion of the cross-examination of Capt. Harry C. Wheeler, who had been on the stand since day before yesterday and the introduction of further testimony by the defense to show the conditions during the strike.

Capt. Wheeler's cross-examination was completed after County Attorney French had questioned him as to Embree's threat to refuse to further restrain his men, and which Wheeler said was when he definitely decided upon the deportation. A lengthy interrogation by the county attorney as to his attitude to the 11 drafted men who were deported and who, when they returned to Bisbee to report were arrested and kept in jail until sent out to the army camps. The witness disclaimed any such knowledge as connected with individuals, but remembered such actions acting as Chairman of the local draft board.

O. T. Smith, a mine operator of Courtland was put on the stand and questioned as to certain actions of Mexicans in his employ, while operating the Exposed Reef mine in the (Continued on Page Three)